

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>WOB04IRDMOSQ</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/FR2005/000262</b>	International filing date ( <i>day/month/year</i> ) <b>04.02.2005</b>	Priority date ( <i>day/month/year</i> ) <b>06.02.2004</b>
International Patent Classification (IPC) or national classification and IPC <b>A01N47/22, A01N61/00</b>		
Applicant <b>INSTITUT DE RECHERCHE POUR LE DEVELOPPEMENT</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-19 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-14 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/3-3/3 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	9, 11, 14	YES
	Claims	1-8, 10, 12-13	NO
Inventive step (IS)	Claims	11, 14	YES
	Claims	1-10, 12-13	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>1. Reference is made to the following documents:</p> <p>D1: JOURNAL OF ECONOMIC ENTOMOLOGY-, vol. 89, no. 5, 1996, pages 1151-1155, XP002311263</p> <p>D2: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; PAN, JIAFU ET AL: "Camphor-containing insectproofing agents" XP002311264 downloaded from STN Database, accession no. 2000:472690</p> <p>D3: WO 01/37662 A (DCT APS; SKOVMAND OLE (FR)) 31 May 2001 (2001-05-31)</p> <p>D1 describes a synergistic insecticide composition containing a mixture of a non-pyrethroid insecticide, such as bendiocarb, carbaryl or malathion, with DEET in the same concentrations as those used in the present application. D1 deprives the subject matter of claims 1 to 8 and 10 of novelty (PCT Article 33(2)). Similarly, D2 describes the use of a mixture of camphor and chlorpyrifos for treating fabric. D2 deprives the subject matter of claims 1 to 8, 10 and 12 to 13 of novelty (PCT Article 33(2)).</p> <p>D3, which is considered to be the closest prior art,</p>			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>describes a mosquito net impregnating composition containing a mixture of insecticide and/or insectifuge. The insecticide is either a pyrethroid, or a non-pyrethroid insecticide selected from among the carbamates and the organophosphorus compounds. In the light of D3, the problem addressed by the present application is that of improving the effectiveness against mosquitoes of compositions containing a non-pyrethroid insecticide.</p> <p>Clearly, not all the combinations of a non-pyrethroid insecticide and an insectifuge in any proportions will solve the problem addressed by the present application. The selection of the insecticide/insectifuge combinations and the concentrations thereof is essential for achieving the invention. For this reason, the subject matter of claim 9 cannot be considered inventive. However, the subject matter of claims 11 and 14 is considered inventive (PCT Article 33(3)). Claims 11 and 14 relate to a specific proxopur/DEET mixture of which the effectiveness, as demonstrated in the examples, could not be foreseen from the cited prior art.</p> <p>Claims 1 to 14 are considered to be industrially applicable (PCT Article 33(4)).</p>